



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/589,105

06/21/2007

Stuart Michael Ruan Jones

1591-2 PCT US

5848

31554 7590 01/07/2010  
CARTER, DELUCA, FARRELL & SCHMIDT, LLP  
445 BROAD HOLLOW ROAD  
SUITE 420  
MELVILLE, NY 11747

EXAMINER

TORRES RUIZ, JOHALI ALEJANDRA

ART UNIT

PAPER NUMBER

2858

NOTIFICATION DATE

DELIVERY MODE

01/07/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@cdfslaw.com  
mvitale@cdfslaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,105	<b>Applicant(s)</b> JONES ET AL.	
	<b>Examiner</b> JOHALI A. TORRES RUIZ	<b>Art Unit</b> 2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 43-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-62, 64 and 65 is/are rejected.
- 7) ☒ Claim(s) 63 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/10/2006 and 9/4/2008</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claim 63 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 43-44, 46-58 and 60-62 are rejected under 35 U.S.C. 102 (b) as being anticipated by Shiue et al. (U.S. Patent Number 6,753,673).**

4. Claim 43: Shiue teaches an electrically powered portable device (102), the device being other than a toothbrush, the device including means for providing a function to be performed by the device (Col.4, Lines 65-67), an electrical power supply (200) which incorporates at least one capacitor (207 and 208) for storing electrical charge to power the device (102) (Col.5, Lines 34-39), electronic control circuitry to control electrical power drawn from the electrical power supply for driving the function providing means (Col.2, Lines 62-66) (Col.5, Lines 13-15), and a recharge interface for recharging the electrical power supply (Col.5, Lines 15-18), the recharge interface being arranged to be electrically connectable to a charging device (Col.7, Lines 24-28).

5. Claim 44: Shiue teaches the limitations of claim 43 as discussed above. Shiue

Art Unit: 2858

teaches the recharge interface is arranged to be selectively electrically connectable to a portable charging device to be powered by mains electrical power (Col.7, Lines 24-28).

6. Claim 46: Shiue teaches the limitations of claim 43 as discussed above. Shiue teaches the at least one capacitor has a working output voltage of from 1V to 3.6V (Col.8, Lines 3-7).

7. Claim 47: Shiue teaches the limitations of claim 43 as discussed above. the electrical power supply further comprises a voltage regulator for regulating the output voltage of the at least one capacitor (Col.2, Lines 62-66) (Col.5, Lines 13-15).

8. Claim 48: Shiue teaches the limitations of claim 47 as discussed above. Shiue teaches the voltage regulator is adapted to output a voltage having a value substantially the same as the voltage of the at least one capacitor when fully charged (Col.5, Lines 36-39).

9. Claim 49: Shiue teaches the limitations of claim 43 as discussed above. Shiue teaches the voltage regulator and the at least one capacitor (207 and 208) are integrated to form a single packaged element (200) (Fig.2) which has a pair of input terminals and a pair of output terminals (Col.7, Lines 24-33).

10. Claims 50 and 51: Shiue teaches the limitations of claim 49 as discussed above. Shiue teaches the single packaged element is removable and custom shaped (Fig.4) (Col.6, Lines 52-56).

11. Claim 52: Shiue teaches the limitations of claim 43 as discussed above. Shiue teaches the electrical power supply further incorporates a voltage source (201) in combination with the at least one capacitor (207 and 208), the voltage source (201) and

Art Unit: 2858

the at least one capacitor (207 and 208) being arranged so that the voltage source progressively charges the at least one capacitor for any period that the at least one capacitor is not fully charged (Col.5, Lines 15-18).

12. Claim 53: Shiue teaches the limitations of claim 52 as discussed above. Shiue teaches the voltage source (201) comprises at least one battery (Col.6, Lines 29-32).

13. Claim 54: Shiue teaches the limitations of claim 53 as discussed above. Shiue teaches the at least one battery continuously provides low electrical power to the device and the at least one capacitor intermittently provides high electrical power to the device (Col.6, Lines 40-46).

14. Claim 55: Shiue teaches the limitations of claim 53 as discussed above. Shiue teaches the at least one battery (201) continuously provides electrical power to at least one first component of the function providing means and the at least one capacitor (207 and 208) intermittently provides high electrical power to at least one second component of the function providing means (Col.5, Lines 27-39).

15. Claim 56: Shiue teaches the limitations of claim 53 as discussed above. Shiue teaches the at least one battery (201) is removable (Col.3, Lines 3-6) (Col.6, Lines 52-56).

16. Claim 57: Shiue teaches the at least one battery (201) is packaged together with at least one consumable of the device in a common package (Fig.4).

17. Claim 58: Shiue teaches the common package is removably mounted in the device (Col.6, Lines 52-56).

18. Claim 60: Shiue teaches an electrically powered portable charging device

Art Unit: 2858

suitable for temporarily storing electrical charge for delivery to an electrical device electrically connectable to the charging device (Col.5, Lines 36-39), the charging device comprising at least one storage element for temporarily storing electrical charge, an input for receiving, from a separate charging base unit to which the charging device is electrically connectable, an electrical charge to be stored by at least one storage element (Col.7, Lines 24-28), and an output for delivering the stored electrical charge to the electrical device, the output comprising an electrical connector (404) for selective electrical connection to an electrical device to be charged by the charging device (Col.7, Lines 24-28).

19. Claim 62: at least one battery (201) electrically connected to at least one capacitor (207 and 208) so that the at least one battery progressively charges the at least one capacitor for any period that at least one capacitor is fully charged (Col.5, Lines 15-18).

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

Art Unit: 2858

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**22. Claims 45, 59 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiue et al. (U.S. Patent Number 6,753,673) as applied to claims 43 and 60 above, and further in view of Vernon (U.S. Patent Number 6,753,673).**

23. Claims 45, 59 and 61: Shiue teaches the limitations of claims 43 and 60 as discussed above.

Shiue does not explicitly teach the at least one storage element comprises at least one capacitor, the or each capacitor having a capacitance of 5 to 50 Farads and a total impedance of not more than 0.3 Ohms.

Vernon teaches at least one storage element comprises at least one capacitor (22), the or each capacitor having a capacitance of 5 to 50 Farads and a total impedance of not more than 0.3 Ohms (Col.3, Lines 29-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Vernon in the device of Shiue given that Shiue teaches the use of super capacitors and this are known characteristics of super capacitors (Col.3, Lines 29-31).

**24. Claims 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiue et al. (U.S. Patent Number 6,753,673) as applied to claim 43 above, and further in view of Masotti et al (U.S. Publication Number 20030164178).**

Art Unit: 2858

25. Claims 64-65: Shiue teaches the limitations of claim 43 as discussed above.

Shiue teaches the at least one capacitor (207 and 208) of the electrical power supply is capable of containing sufficient charge to power the motor of a tool for a predetermined period (Col.5, Lines 13-15).

Shiue does not explicitly teach a delivery device for release at least one volatile compound stored in the device; the delivery device comprising a reservoir for storing the at least one volatile compound, a dispensing device for dispensing the at least one volatile compound from a delivery surface of the dispensing device, the electronic control circuitry controlling the dispensing device, a conduit to transfer the at least one volatile compound from the reservoir to the delivery surface.

Masotti teaches a delivery device for release at least one volatile compound stored in the device; the delivery device comprising a reservoir for storing the at least one volatile compound, a dispensing device for dispensing the at least one volatile compound from a delivery surface of the dispensing device, the electronic control circuitry controlling the dispensing device, a conduit to transfer the at least one volatile compound from the reservoir to the delivery surface (Par.31 and 94).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the used the electrical power supply of Shiue to supply power to the device in Masotti given that the electrical motor in Masotti must be provided with a power source in order to function (Par.31).



***Conclusion***

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHALI A. TORRES RUIZ whose telephone number is (571)270-1262. The examiner can normally be reached on M- F 9:30am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Tso/  
Primary Examiner, Art Unit 2858

/J. A. T./  
Examiner, Art Unit 2858